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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,078	04/08/2004	Robert A. Davis	56630US007	1677

32692 7590 10/24/2007  
3M INNOVATIVE PROPERTIES COMPANY  
PO BOX 33427  
ST. PAUL, MN 55133-3427

EXAMINER
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HAND, MELANIE JO

ART UNIT	PAPER NUMBER
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3761

NOTIFICATION DATE	DELIVERY MODE
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10/24/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

LegalUSDocketing@mmm.com  
LegalDocketing@mmm.com

## Interview Summary

Application No.

10/821,078

Applicant(s) *h*

DAVIS ET AL.

Examiner

Melanie J. Hand

Art Unit

3761

All participants (applicant, applicant's representative, PTO personnel):

(1) Melanie J. Hand.

(3) Nancy Lambert.

(2) Michael Williams.

(4) \_\_\_\_\_.

Date of Interview: 12 October 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☒ Yes e) ☐ No.

If Yes, brief description: Applicant submitted NPL document entitled "Achieving Sterility in Medical and Pharmaceutical Products" by Nigel Halls as support for applicant's arguments regarding permeability of polymers to ethylene oxide.

Claim(s) discussed: 58.

Identification of prior art discussed: Dischler (U.S. Patent No. 6,585,693).



Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

TATYANA ZALUKAEVA  
SUPERVISORY PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant requested interview to bring the NPL document identified supra to the Examiner's attention as support for applicant's argument that a material's impermeability to water vapor does not guarantee an impermeability to ethylene oxide, contrary to the Office's position on claim 58. The document includes evidence of certain polymers which are water vapor impermeable, but are permeable to gaseous ethylene oxide. Dischler merely teaches a polymeric layer and thus the publication shows the unexpected result of a polymer that is water vapor impermeable but is permeable to gaseous ethylene oxide. Examiner agrees that this document is sufficient evidence to overcome the rejection and advised applicant to either submit an amendment after final including a Rule 132 affidavit that includes this document as an exhibit, or file a request for continued examination (RCE). Applicant also requested the interview to request consideration of information disclosure statements (IDSs) filed 5/23/07 and 7/9/07. Examiner advised that the IDS submitted 5/23/07 will be considered in the response to the after final amendment, but that the 7/9/07 and 8/8/07 IDS are non-compliant because they cite two non-patent documents without providing a copy in accordance with 37 C.F.R. 1.98 (a)(2)(ii) and thus will not be considered at this time. Applicant indicated that the option of an RCE may be pursued.